

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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ANTOINE GORUM aka RONALD CLARK,

Case No. 2:15-cv-00065-APG-GWF

ORDER

v.

CALDERWOOD.

Defendant.

I. DISCUSSION

On October 21, 2015, the Court entered a screening order dismissing Plaintiff's complaint in its entirety with leave to file an amended complaint on or before November 23, 2015. (Dkt. #15 at 9.) That order also granted Plaintiff's application to proceed *in forma pauperis*. (*Id.* at 8.) On December 2, 2015, this Court dismissed the case without prejudice because Plaintiff had failed to file an amended complaint. (Dkt. #19 at 1.) The Court had noted that Plaintiff had filed a "motion" which stated that Plaintiff's statement of facts was 5 pages long and that his complaint should move forward because it had merit. (*Id.*) The Court interpreted the notice as Plaintiff's refusal to file an amended complaint. (*Id.*) The Clerk of the Court entered judgment that same day. (Dkt. #20.)

On December 9, 2015, Plaintiff filed a motion to show really, really good cause to have this judge reopen this civil case and motions for preliminary injunction and temporary restraining order explaining why. (Dkt. #21, 22, 23.) The motions explain that Plaintiff mailed his amended complaint to the Court on October 24, 2015 by handing his legal mail to the law library supervisor. (Dkt. #22 at 2.) Plaintiff explains that he knows his legal mail contained the complaint because of the amount prison staff charged him for the weight of his mail. (*Id.*) Plaintiff states that Defendants must be destroying his legal mail. (*Id.*)

1 The Court grants Plaintiff's motion to reopen this case. Upon reviewing Plaintiff's
2 motions to reopen and supporting arguments, the Court discovered that the Clerk's
3 Office docketed Plaintiff's amended complaint under another motion filed on October
4 30, 2015. (See Dkt. #16 at 4-21.) The Court vacates the judgment (Dkt. # 20) and
5 reopens the case. The Clerk of the Court shall docket Plaintiff's third amended
6 complaint (Dkt. #16 at 4-21) in a separate docket entry. The Court will screen Plaintiff's
7 third amended complaint in a separate order.

8 **II. CONCLUSION**

9 For the foregoing reasons, **IT IS ORDERED** that the motion to reopen the case
10 (Dkt. #21) is granted.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court shall vacate the judgment
12 (Dkt. #20) and reopen this case.

13 **IT IS FURTHER ORDERED** that the motions for preliminary injunction and
14 temporary restraining order (Dkt. #22, 23) are denied as moot.

15 **IT IS FURTHER ORDERED** that the Clerk of the Court shall docket Plaintiff's
16 third amended complaint (Dkt. #16 at 4-21) in a separate docket entry.

17 **IT IS FURTHER ORDERED** that the Court will screen Plaintiff's third amended
18 complaint in a separate screening order in the future.

19 Dated: December 14, 2015.


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UNITED STATES DISTRICT JUDGE

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